

Exhibit 1

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
-vs-) Case No. CR-20-168-G
)
CHRISTOPHER STEVEN LEDBETTER,)
)
Defendant.)

* * * * *

TRANSCRIPT OF PROCEEDINGS

HAD ON JUNE 26, 2020, AT 9:25 A.M.

BEFORE THE HONORABLE CHARLES B. GOODWIN

U.S. DISTRICT JUDGE, PRESIDING

* * * * *

CHANGE OF PLEA

Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription.

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P R O C E E D I N G S

(The following proceedings were had June 26, 2020, with Court, counsel, and defendant present:)

THE COURT: Morning, everyone. The Court calls the case of United States vs. Christopher Steven Ledbetter. It's Case No. CR-20-168.

The defendant has previously appeared in court on a complaint that had been filed by the government. The government has now filed an Information, and the defendant has indicated that he wishes to enter a plea of guilty.

I'll have counsel make their appearance.

MR. DILLON: Matt Dillon and Jessica Perry on behalf of the United States.

THE COURT: Thank you.

MR. JOHNSON: Good morning, your Honor. Mike Johnson on behalf of Mr. Ledbetter, who is present at counsel table.

THE COURT: All right. Thank you.

Couple of housekeeping matters before we start in earnest.

As far as health restrictions, looks like everybody is appropriately spaced. As far as counsel, I'll leave it up to you about whether you want to wear a mask or not.

If you are speaking to the Court, then definitely take your mask off. Otherwise, I'm going to let everybody be

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1 responsible about their own decisions in that regard.

2 Second, is the government in compliance with the Justice
3 For All Act?

4 MR. DILLON: Yes, your Honor.

5 THE COURT: To your knowledge, are there any victims
6 who wish to be heard in the proceeding?

7 MR. DILLON: No, your Honor.

8 THE COURT: Okay. Very good.

9 Okay. I'm going to have the defendant come forward to
10 the podium -- or I'll have counsel be at the podium, the
11 defendant there at the desk right next to it.

12 All right. Sir, just some initial questions. First, I
13 take it you understand the English language and have no need
14 for an interpreter; is that correct?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. Mr. Johnson, is it correct that
17 your client has decided to enter a plea of guilty?

18 MR. JOHNSON: Yes, sir.

19 THE COURT: All right. And I've received a plea
20 agreement. Is the plea being made in accordance with that
21 agreement?

22 MR. JOHNSON: It is, your Honor.

23 THE COURT: Okay. All right.

24 Mr. Ledbetter, let me tell you a little bit about this
25 proceeding and what we're going to do. I'm going to ask you a

1 long, long, long series of questions about whether you do
2 truly wish to enter a plea of guilty today. And the reason
3 that we do that is because it's an important choice. You're
4 giving up rights that are guaranteed to you by the
5 constitution by pleading guilty. It's also generally a choice
6 that you cannot take back.

7 Do you understand?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. Mr. Buckle is going to place you
10 under oath now.

11 THE CLERK: Please raise your right hand as best you
12 can.

13 (Defendant sworn.)

14 THE CLERK: Thank you.

15 THE COURT: All right. You are now under oath. And
16 while you are not required to make any statement with regard
17 to the charges against you, you need to know that if you do,
18 then your statement could later be used against you.

19 Further, if you make a false statement to the Court, you
20 could be prosecuted for perjury.

21 Do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Would you state your name and
24 your age for the record.

25 THE DEFENDANT: My name is Christopher Steven

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1 Ledbetter, and I am 29 years old.

2 THE COURT: Okay. And are you the Christopher
3 Steven Ledbetter that's named in the Information that's been
4 filed in the case?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Tell me a little bit about your
7 education. How far did you go in school?

8 THE DEFENDANT: I graduated high school in McLoud,
9 and I did two years at UCO with an international relations
10 major. And then I did an EMT basic course at OCCC in 2017.

11 THE COURT: When did you graduate from McLoud?

12 THE DEFENDANT: In 2009, sir.

13 THE COURT: Okay. These are standard questions.
14 Don't take any offense. As you stand here today, are you
15 under the influence of any alcohol or drugs or medication that
16 could affect your ability to understand what's going on today?

17 THE DEFENDANT: No, sir.

18 THE COURT: All right. And, similarly, have you
19 ever been treated for any mental illness or condition that
20 would affect your ability to understand what is going on and
21 the choices that you're making?

22 THE DEFENDANT: No, sir.

23 THE COURT: Okay. Do you believe that you do fully
24 understand and appreciate everything that's happening today?

25 THE DEFENDANT: Yes, of course, your Honor.

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1 THE COURT: Okay. All right.

2 I'll ask Mr. Johnson, do you have any doubt regarding the
3 competence of your client?

4 MR. JOHNSON: I do not, your Honor.

5 THE COURT: All right. I will ask counsel for the
6 government, have you seen anything that would give you any
7 doubt regarding the competency of the defendant to enter a
8 plea?

9 MR. DILLON: No, your Honor.

10 THE COURT: As I say, that's a set of standard
11 questions that we ask everyone.

12 There being no issue there as far as competency, let's
13 move on and talk about the charges.

14 So the government has filed a criminal charge against
15 you, and the formal document where that charge is made is
16 called an Information. Have you received a copy of that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have you had an adequate opportunity to
19 read it and to visit with your attorney about it?

20 THE DEFENDANT: Yes, sir, I read it all.

21 THE COURT: Okay. Have you ever had -- pardon me --
22 well, let's do it this way.

23 I'm going to have the government summarize the charges at
24 issue and the potential range of punishment, including any
25 mandatory minimum penalty that may apply.

1 MR. DILLON: Yes, your Honor. The defendant is
2 charged with a one-count Information. It alleges that on June
3 4th of 2020, in the Western District of Oklahoma, the
4 defendant knowingly possessed a machine gun, specifically a
5 Two Rivers Arms AK-47-style carbine, bearing Serial No.
6 GV2300. That is in violation of Title 18 United States Code
7 Section 9220 -- I'm sorry -- 01.

8 If found guilty of that offense, the defendant faces
9 punishment of not more than ten years of imprisonment, a fine
10 of not more than \$250,000, or both fine and imprisonment, a
11 term of supervised release of not more than three years, and a
12 \$100 special assessment.

13 THE COURT: All right.

14 Mr. Johnson, do you agree that's a correct summary of the
15 charge and the potential range of punishment?

16 MR. JOHNSON: I do, your Honor.

17 THE COURT: All right. Sir, the questions for you
18 then are, first, do you fully understand the charge against
19 you?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you understand the potential
22 range of punishment that would apply as a result of a guilty
23 plea to that charge?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Okay. Let's talk about your right to be

1 charged by Indictment. I have a written waiver of that, but I
2 want to visit with you about it and make sure you understand.

3 So what you need to know is you have a constitutional
4 right to be charged by an Indictment of a grand jury, but you
5 can waive that right and consent to being charged through the
6 Information that's been filed in the case.

7 For your information, a grand jury is composed of at
8 least 16 and not more than 23 people, and at least 12 grand
9 jurors must agree that there is probable cause to believe that
10 you committed a crime before you can be charged with it.

11 An Information, on the other hand, is merely signed by
12 the United States Attorney or an Assistant United States
13 Attorney.

14 In order for the Court to proceed then on the
15 Information, you need to give up your right to be charged by
16 Indictment. And you've indicated, through that written form
17 that I've received, that you do intend to give up that right.
18 Is that correct?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. Have any threats or promises
21 been made to you to get you to waive that right to be charged
22 by Indictment?

23 THE DEFENDANT: No, sir.

24 THE COURT: Okay. The Court finds that the
25 defendant has knowingly and voluntarily waived his right to be

1 charged by Indictment and an executed copy of that waiver will
2 be filed of record in the case.

3 All right. Next let's talk about your right to a jury
4 trial. And, again, I've received a written waiver of that,
5 but I want to visit with you about it and make sure you fully
6 understand.

7 So if you plead not guilty, then you have the right to a
8 speedy and public trial by jury. Along with that, you would
9 have the right to counsel at all stages. And if you cannot
10 afford an attorney, one would be appointed to represent you,
11 as Mr. Johnson has.

12 You would have the right to see and hear witnesses who
13 present testimony against you and to cross-examine them. You
14 would have the right to use the subpoena power of the Court to
15 compel witnesses and other evidence to be presented on your
16 behalf.

17 You would have the right to not incriminate yourself.
18 That is, at trial you could choose not to testify, and the
19 Court would instruct that there be no adverse inference
20 against you because of that choice.

21 Ultimately, you would be presumed innocent until proven,
22 beyond a reasonable doubt to a unanimous 12-person jury, that
23 you are guilty of the crime with which you are accused.

24 Do you understand that by pleading guilty you will have
25 no trial and you'll give up all of those rights that I just

1 listed?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. I understand -- as I say, I
4 have received that you've executed a written waiver of jury
5 trial. Is that correct?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Is it still your intent to
8 waive that right today?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. The Court finds that the
11 defendant has knowingly and voluntarily waived his right to a
12 jury trial, and an executed copy of that will be filed of
13 record in the case.

14 Okay. Next I want to talk to you a little about
15 sentencing and that process. What you need to know is that
16 under a federal statute, the Sentencing Reform Act of 1984,
17 the United States Sentencing Commission has issued guidelines
18 that judges consult on an advisory basis in deciding the
19 sentence in any criminal case.

20 So if you're found guilty, whether by jury trial or by
21 plea of guilty, the process works roughly like this: A
22 probation officer will come and meet with you, they will talk
23 to you about your personal history, your criminal history,
24 everything about you, and then issue what's called a
25 presentence investigation report. That report is used by the

1 Court in deciding the sentence to be imposed in the case.

2 Importantly, both you and the government have the
3 opportunity to give input into the report prior to the final
4 report being issued. And then once the report is issued, you
5 both have -- both you and the government have the right to
6 object to any findings or conclusions in the report that you
7 disagree with. At that point I hold a hearing and I decide
8 any of those disputes by a standard known as the preponderance
9 of the evidence.

10 In deciding what sentence should be imposed, importantly,
11 I consider the information in the report, I calculate the
12 advisory guideline range under the sentencing guidelines, and
13 then I consider that guideline range, I consider possible
14 departures from the guidelines, and I consider other factors
15 set forth by statute at 18 U.S.C. Section 3553 in deciding
16 what is an appropriate sentence in the case.

17 Are you with me so far?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. That's a lot of information,
20 but it's important.

21 Another piece of important information is that I'm not
22 bound by the guideline range. Although I consider it, I have
23 the discretion to impose a sentence that's more severe or less
24 severe than what's called for under the guidelines.

25 Understand that?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Do you understand that, as a
3 result of your guilty plea, some facts that may have an effect
4 on the severity of your sentence that will be determined by me
5 and not by a jury?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. And do you understand that I
8 will not be able to determine the advisory guideline range for
9 your case or the sentence for your case until after we go
10 through that whole process that I just described?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And so that means that, because we have
13 not yet gone through that process, as you stand here today
14 there is no way for you to know what the guideline range is
15 going to be or, ultimately, what the sentence is going to be.

16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Did you also understand that I
19 have the discretion to impose a sentence that's more severe or
20 less severe than what's called for under the guidelines?

21 THE DEFENDANT: Yes, I do, your Honor.

22 THE COURT: Okay. Knowing all of that, is it still
23 your intent to plead guilty?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. I've been presented with a plea

1 agreement. Did you have the opportunity to review and discuss
2 that agreement with your attorney before you signed it?

3 THE DEFENDANT: I did, sir.

4 THE COURT: Okay. Are there any statements in the
5 plea agreement that you do not understand or wish to have
6 clarified?

7 THE DEFENDANT: No, sir. I understood them.

8 THE COURT: Okay. Again, this is a standard
9 question. Were you under the influence of any alcohol or drug
10 or medication or mental health condition at the time you
11 signed that agreement that would prevent you -- that would
12 have prevented you from fully understanding what you were
13 doing?

14 THE DEFENDANT: No, sir.

15 THE COURT: Okay. I want to visit with you
16 specifically about the waivers in that plea agreement. As a
17 general matter, the law gives you certain rights and you have
18 those rights unless you choose to waive them.

19 Understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. And do you understand that in the
22 plea agreement you are waiving some of your rights?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And, specifically, you are waiving your
25 right to appeal the sentence that I impose in the case as long

1 as that sentence is within or below the guideline range.

2 Do you understand that?

3 THE DEFENDANT: Yes, sir, that's understood.

4 THE COURT: Okay. Are you waiving that right to
5 appeal even though, as we discussed, as you stand here today,
6 you do not know yet what the sentence I impose will be or what
7 the guideline range will be?

8 THE DEFENDANT: Yes, I understand that, sir.

9 THE COURT: Okay. Do you understand that,
10 regardless of the plea agreement, I will make the decision
11 about your sentence and no one else?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And I'm not bound by the recommendations
14 of your attorney or the government's attorney or the probation
15 office or anyone?

16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Do you understand that you do not
19 have the right to withdraw your plea if, ultimately, I choose
20 a sentence that's different than the one that you or your
21 attorney or anybody else might think is correct?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. In light of everything we've
24 talked about, do you still wish to plead guilty?

25 THE DEFENDANT: Yes, sir.

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1 THE COURT: Okay. Do you understand that, by
2 pleading guilty, you would be subject to a variety of
3 sentencing options that might be imposed instead of or in
4 addition to imprisonment?

5 So in deciding the sentence in the case, I may require
6 that you serve a period of imprisonment. I may require that
7 you serve a term of probation. I may require that, after any
8 imprisonment, you serve a period of supervised release.

9 I may order that you forfeit property or pay a fine or a
10 special assessment or pay restitution if there are any victims
11 at issue here.

12 Do you understand that all of those are options that
13 might be imposed by the Court?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. Do you understand that if you are
16 to violate any of those additional requirements that the Court
17 might impose, then you could, in turn, be subject to an
18 additional term of imprisonment or other penalties?

19 THE DEFENDANT: I do, sir.

20 THE COURT: Okay. Do you understand that in the
21 federal system parole has been abolished and so there is no
22 chance that you would be released on parole?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. Has anyone threatened you in
25 order to get you to plead guilty?

1 THE DEFENDANT: No, sir.

2 THE COURT: Has anyone promised you any sort of
3 benefit in order to get you to plead guilty other than what's
4 reflected in the plea agreement?

5 THE DEFENDANT: No, sir.

6 THE COURT: Okay. I take it that you are a United
7 States citizen?

8 THE DEFENDANT: Yes, I am, sir.

9 THE COURT: All right. Do you understand that the
10 crime to which you are pleading guilty is a felony offense?
11 And if your plea is accepted, you will be officially
12 adjudicated guilty of that offense.

13 And, as a result of that, you may be deprived of valuable
14 civil rights, including the right to vote or the right to hold
15 public office, the right to serve on a jury, and the right to
16 possess any kind of firearm?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Are you totally satisfied with
19 the quality of services that have been provided to you by your
20 attorney?

21 THE DEFENDANT: I am, sir.

22 THE COURT: Okay. All right. Ultimately, then,
23 knowing all of the rights that you have and would be waiving
24 and fully understanding the charge against you and the
25 potential range of punishment on that charge, how do you plead

1 to Count 1 of the Information?

2 THE DEFENDANT: I plead guilty, your Honor.

3 THE COURT: All right. I want you to tell me a
4 little bit about what happened regarding the incident in
5 question in your own words. But to facilitate that, I'm going
6 to let counsel for the government ask a few questions about
7 the elements at issue.

8 MR. DILLON: Thank you, your Honor.

9 **CHRISTOPHER LEDBETTER,**

10 having been previously duly sworn, was examined and testified
11 as follows:

12 **EXAMINATION**

13 BY MR. DILLON

14 Q Mr. Ledbetter, on June 4th of this year, did you possess
15 an AK-47-style carbine that is listed in the Information?

16 A Yes, I did. Serial No. GV2300.

17 Q Thank you.

18 Had you modified that firearm to automatically shoot more
19 than one shot without manually reloading by a single function
20 of the trigger?

21 A Yes. To a select fire.

22 Q Had you received any authority from the United States to
23 possess such a firearm?

24 A No, I did not.

25 Q Did you manufacture the two grenades and the two Molotov

1 cocktails that were seized on June 4th of 2020?

2 A Yes, I did.

3 Q Did all of these acts occur in the Western District of
4 Oklahoma?

5 A Yes, they did.

6 MR. DILLON: No further questions, your Honor.

7 THE COURT: All right.

8 Mr. Johnson, did you have any additional questions
9 regarding the factual basis for the plea?

10 MR. JOHNSON: I do not, your Honor.

11 THE COURT: All right. Okay.

12 Does the government know of any reason that the Court
13 should not accept the plea of guilty?

14 MR. DILLON: No, your Honor. I did neglect, when I
15 read off the charges of the Information, to include to the
16 Court that there is a forfeiture allegation.

17 THE COURT: All right.

18 And, sir, did you understand that, that one of the
19 allegations that's made in the Information that's been filed
20 is what's called a forfeiture allegation that would require
21 you to forfeit the property that's listed?

22 Did you understand that?

23 THE DEFENDANT: Yes. As I understood it, they told
24 me every Kalashnikov (unintelligible), anything that would fit
25 in it as a magazine or all the ammo, that they were keeping

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1 all of that that would work on that rifle, your Honor.

2 THE COURT: Is that correct?

3 MR. DILLON: Yes, your Honor. It also includes the
4 AK-47 itself and then any explosive items or components
5 thereof.

6 THE COURT: All right.

7 Did you understand that, sir?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. All right.

10 With that then, does the government know of any reason
11 that the Court should not accept the plea of guilty?

12 MR. DILLON: No, your Honor.

13 THE COURT: Does the defendant know of any reason
14 that the Court should not accept the plea of guilty?

15 MR. JOHNSON: No, your Honor.

16 THE COURT: Okay.

17 Sir, based on everything we've discussed, do you still
18 wish to plead guilty today?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right.

21 Having considered the sworn testimony of the defendant
22 and all other information presented, the Court finds that the
23 defendant is fully competent and capable of entering a plea;
24 that he is knowingly, voluntarily, and intelligently entering
25 his plea of guilty; that he understands the charge and the

1 consequences of his plea; and that there is a factual basis
2 for the plea of guilty. Therefore, the Court accepts the plea
3 of guilty to the charges set forth in the Information.

4 Is there anything we need to take up as far as detention
5 in the case?

6 MR. DILLON: I don't believe so, your Honor.

7 MR. JOHNSON: Judge, I'll make my standard request,
8 but I think you're going to tell me to go address it with the
9 marshals. Pottawatomie County is -- does not have a very
10 receptive attorney room. In fact, it's almost impossible to
11 get an attorney visit out there within any meaningful
12 schedule.

13 I would ask that he be transferred either to Logan
14 County, Grady County, or even Tillman County. But I've made
15 this request every time and been denied. So I will take that
16 up with the marshals.

17 THE COURT: I understand, and I will deny the
18 request again. I hope that we get a better accommodation on
19 that, but until then we all are just going to have to struggle
20 along.

21 MR. JOHNSON: Yes, sir.

22 THE COURT: So with that, anything further from the
23 defendant?

24 MR. JOHNSON: No, your Honor.

25 THE COURT: Anything further from the government?

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1 MR. DILLON: No, your Honor.

2 THE COURT: Sir, do you have any questions about
3 anything that we've talked about?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. Or anything else?

6 THE DEFENDANT: No, sir.

7 THE COURT: Okay. You're remanded to the custody of
8 the United States marshal pending sentencing in the case. As
9 I said, the next step in the process is preparation of that
10 presentence report, and then I will set, in 90 days, the -- or
11 approximately 90 days a presentence -- or a hearing, and we'll
12 determine the sentence at that time.

13 Understood?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. We are adjourned.

16

17 (Proceedings concluded at 9:45 a.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2 I, Christina L. Clark, Federal Official Realtime Court
3 Reporter, in and for the United States District Court for the
4 Western District of Oklahoma, do hereby certify that pursuant
5 to Section 753, Title 28, United States Code that the
6 foregoing is a true and correct transcript of the
7 stenographically reported proceedings held in the
8 above-entitled matter and that the transcript page format is
9 in conformance with the regulations of the Judicial Conference
10 of the United States.

11

12 Dated this 20th day of April, 2021.

13

14 s/CHRISTINA L. CLARK
15 Christina L. Clark, RPR, CRR

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